

New Trench Permit Regulations – Effective March 1, 2009

The State of Massachusetts has instituted a new Trench Regulation effective March 1st of this year. The regulations (520 CMR 14.00: Excavation and Trench Safety) were written following the enactment of Chapter 82A, known as Jackie's Law. The law was passed following the death of 4-year-old Jaclyn Moore, who was buried when an unattended trench collapsed in a private backyard. The law applies to all trenches, which is defined as "an excavation which is narrow in relation to its length, made below the ground surface in excess of three feet below grade and the depth of which is (in general) greater than the width, but the width of the trench, as measured at the bottom, is not greater than 15 feet".

The major component of the new regulations is the requirement that excavators obtain a permit prior to creating any trench, whether it is in a public way or on private property. This regulation applies to contractors as well as homeowners. As voted by the Board of Selectmen on February 9, 2009, the Town has three Trench Officers that will be responsible for issuing the Trench Permits for work within the Town of Natick. The Town Engineer will be responsible for handling Trench permits within the Town Layout or on private property when it is associated with a water or sewer house service connection excavation. The Director of Public Health will be responsible for issuing Trench Permits when the work is in conjunction with projects under their jurisdiction (i.e. septic tanks, pools, wells, storage tanks, on-site drainage) and the Building Inspector will be responsible for issuing the Trench Permits on private property in regards to Building permits.

Standards have been set for excavators to follow when a trench is to be left unattended and will be given to the excavator when they obtain the Trench Permit from the appropriate Department within the Town of Natick. If these standards are not being met, either the Town of Natick or the State may order an immediate shutdown of the construction work until the sub-standard trench practices are addressed and fixed.

Further information regarding the New Trench Permit regulations may be obtained by contacting either the Town Engineer (508-647-6551), the Director of Public Health (508-647-6460) or Building Inspector (508-647-6450).